

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

PCT

To:

see form PCT/ISA/220

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (PCT Rule 43bis.1)

Date of mailing
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference
see form PCT/ISA/220

FOR FURTHER ACTION
See paragraph 2 below

International application No.
PCT/JP2004/013007

International filing date (day/month/year)
01.09.2004

Priority date (day/month/year)
03.09.2003

International Patent Classification (IPC) or both national classification and IPC
B65D81/32, A61J1/00

Applicant
SHOWA DENKO PLASTIC PRODUCTS CO., LTD.

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

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**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

10/566703

International application No.
PCT/JP2004/013007

IAP20H&C'DPCT/PTO 01 FEB 2006

Box No. I Basis of the opinion

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
☐ This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material:
☐ a sequence listing
☐ table(s) related to the sequence listing
 - b. format of material:
☐ in written format
☐ in computer readable form
 - c. time of filing/furnishing:
☐ contained in the international application as filed.
☐ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/JP2004/013007

Box No. V Reasoned statement under Rule 43*bis*.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	2,5-9
	No: Claims	1,3,4,10-13
Inventive step (IS)	Yes: Claims	6-9
	No: Claims	1-5,10-13
Industrial applicability (IA)	Yes: Claims	1-13
	No: Claims	

2. Citations and explanations

see separate sheet

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING
AUTHORITY (SEPARATE SHEET)**

International application No.

PCT/JP2004/013007

IAP20 Rec'd FGI/PTO 01 FEB 2006

Re Item V

Reasoned statement with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. The following documents are referred to in this communication:

D1 : DE 197 24 591 C (MOEBIUS & RUPPERT KG) 17 December 1998 (1998-12-17)

D2 : DE 42 22 049 A (MOEBIUS & RUPPERT) 5 January 1994 (1994-01-05)

D3 : PATENT ABSTRACTS OF JAPAN vol. 2000, no. 21, 3 August 2001 (2001-08-03) & JP 2001 087350 A (SHOWA DENKO KK; SHOWA DENKO PLASTIC PRODUCTS KK), 3 April 2001 (2001-04-03)

D4 : PATENT ABSTRACTS OF JAPAN vol. 2000, no. 09, 13 October 2000 (2000-10-13) & JP 2000 167022 A (SHOWA DENKO KK; SHOWA DENKO PLASTIC PRODUCTS KK), 20 June 2000 (2000-06-20)

2. The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claim 1 is not new in the sense of Article 33(2) PCT. Document D1 discloses (the references in parentheses applying to this document): a partitioning member (16) for partitioning a plurality of adjacent housing parts, partitioning member comprising a partitioning member main body (28) having a hollow part capable of communicating a plurality of adjacent housing parts (12,14) and a partition body (36) for partitioning hollow part, wherein partition body is provided at a portion except for the vicinity of partitioning member main body and partition body and partitioning member are connected through a thin wall part.
Thus the partitioning member of claim 1 is not novel.
The relative terms *thin* and *thick* as used in claims 1,2 6, 7 and 11 have no well-recognised meaning and leave the reader in doubt as to the meaning of the technical features to which they refers, thereby rendering the definition of the subject-matter of said claims unclear, Article 6 PCT. The connection of the membrane in D1 with the body was considered to be thin. Anyway D3 (or D4) shows a connection between a member and wall portion which is thinner than the thickness of the wall portion (see fig. 2).

3. The technical features of dependent claims 2-5 and 10-13 are known from at least

one of the documents D1-D4, e.g.:

claim 2, 11: thinned and thickened wall part connection (see D3, fig. 2),

claim 3: inclined partition (see D1, fig. 7),

claim 5: support member (see D3, fig. 3),

claim 10: shape (see D1, fig. 2),

claim 11, 12: container with partitioning member (see D1, fig. 1)

Thus, the subject-matter of these claims is not new and/or inventive.

4. The features of the claims are not provided with reference signs placed in parentheses (Rule 6.2(b) PCT).
5. Independent claim 1 is not in the two-part form in accordance with Rule 6.3(b) PCT, which in the present case would be appropriate.
6. Contrary to the requirements of Rule 5.1(a)(ii) PCT, the relevant background art disclosed in the document D1 is not mentioned in the description, nor is this document identified therein.
7. It seems that e.g. the combination of the features of dependent claim 9 is neither known from, nor rendered obvious by, the available prior art.